

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-10, and 12-18 are pending in this case. Claims 10 and 12-18 are withdrawn. Claims 1, 10, and 18 are amended by the present amendment. Amended Claims 1, 10, and 18 are supported by the original disclosure,¹ and therefore add no new matter.

In the outstanding Office Action, Claims 1 and 3-9 were rejected under 35 U.S.C. §112, first paragraph; Claims 1, 3, 4, and 9 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga (U. S. Patent No. 5,819,646) in view of Kobaru et al. (U.S. Patent Application Publication No. 20010026717, hereinafter "Kobaru") as evidenced by Hobson et al. (U.S. Patent No. 5,744,241, hereinafter "Hobson"). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Kobaru and further in view of Suzuki et al. (U.S. Patent No. 4,796,046, hereinafter "Suzuki"). Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Kobaru and further in view of Ream et al. (U.S. Patent No. 6,284,373, hereinafter "Ream").

With regard to the rejection of Claims 1 and 3-9 under 35 U.S.C. §112, first paragraph, Claim 1 is amended to recite "said elastic layer not including any oxidized heat resistance rubber." It is respectfully submitted that this amendment is supported at least by the specification at page 10, lines 5-13. Accordingly, it is respectfully submitted that Claims 1 and 3-9 are in compliance with all requirements under 35 U.S.C. §112, first paragraph.

With regard to the rejection of Claim 1 as unpatentable over Fukunaga in view of Kobaru as evidenced by Hobson, that rejection is respectfully traversed.

Amended independent Claim 1 recites:

the separation layer is ***baked on*** the elastic layer, and

¹See, e.g., the specification at page 10, lines 5-13.

a ***baked temperature of the separation layer*** is a temperature lower than an oxidation starting temperature of the heat resistance rubber.

The outstanding Office Action apparently cited elastic layer 25 of Fukunaga as “an elastic layer” and resin layer 26 of Fukunaga as “a separation layer.”² However, Fukunaga describes that the resin layer 26 is inserted into a pipe 82 as a finished fluorocarbon resin tube 83. Elastic layer 25 is then formed out of liquid silicone rubber 84 that is injected into the pipe 82 within the fluorocarbon resin tube 83.³ Thus, Fukunaga clearly does not teach or suggest that “the separation layer is ***baked on*** the elastic layer” or that “a ***baked temperature of the separation layer*** is a temperature lower than an oxidation starting temperature of the heat resistance rubber” as recited in amended Claim 1. Accordingly, Fukunaga does not teach or suggest “an elastic layer” and “a separation layer” as defined in amended Claim 1. Further, it is respectfully submitted that neither Kobaru nor Hobson teach or suggest either of these features either. Consequently, Claim 1 (and Claims 3-9 dependent therefrom) is patentable over Fukunaga in view of Kobaru as evidenced by Hobson.

With regard to the rejection of Claims 5 and 6 as unpatentable over Fukunaga in view of Kobaru and further in view of Suzuki, it is noted that Claims 5 and 6 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Suzuki does not cure any of the above-noted deficiencies of Fukunaga and Kobaru. Accordingly, it is respectfully submitted that Claims 5 and 6 are patentable over Fukunaga in view of Kobaru and further in view of Suzuki.

With regard to the rejection of Claims 7 and 8 as unpatentable over Fukunaga in view of Kobaru and further in view of Ream, it is noted that Claims 7 and 8 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Ream does not cure any of the above-noted

²See the outstanding Office Action at page 3, lines 1-3.

³See Fukunaga, column 6, lines 1-42

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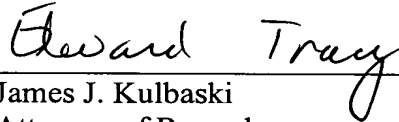
deficiencies of Fukunaga and Kobaru. Accordingly, it is respectfully submitted that Claims 7 and 8 are patentable over Fukunaga in view of Kobaru and further in view of Ream.

With regard to withdrawn Claims 10 and 12-18, it is respectfully requested that these claims be rejoined and allowed in accordance with MPEP §821.04, as Claims 10 and 18 include the subject matter recited in Claim 1 which is believed to be allowable.

Accordingly, the pending claims and the present application are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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